

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 19867 OF 2005

Date of decision : September 21, 2006

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Sheela Petitioner

Vs.

State of Haryana etc. Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. S.K Verma, Advocate for the petitioner(s).
Mr. Siddharth Batra, Assistant Advocate General, Haryana.
Mr. Ashwani Talwar, Advocate for respondents no. 4 & 5.

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Viney Mittal, J. (Oral)

Written statement on behalf of respondent no.3 has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to the learned counsel for the petitioner.

The petitioner has approached this Court challenging communication dated August 23, 2005 (Annexure P-4) whereby the claim made by the petitioner with regard to the death of her husband, Shilak Ram has been repudiated and rejected.

In the written statement filed by respondents no. 5 (New India Assurance Limited), it has been maintained that the aforesaid scheme was only applicable in the event of the death of the head of the family and since Shilak Ram was not the head of the family, therefore, the claim made by the

petitioner on account of the death of Shilak Ram could not be entertained.

Sh. S.K Verma, learned counsel appearing for the petitioner, however, maintains that since the deceased was the only bread earner of the family, therefore, the claim of the petitioner was liable to be accepted.

Keeping in view the facts and circumstances of the case and also the fact that the disputed questions of fact have been raised by the petitioner in the present case which cannot be adjudicated by this Court for want of evidence, we relegate the petitioner to seek his remedies before the Civil Court, if so advised.

Disposed of with the aforesaid liberty.

(VINEY MITTAL)
JUDGE

September , 2006
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(H.S BHALLA)
JUDGE